

29 October 2016

To: The Pa Public Utility Commission Secretary
400 North Street
Harrisburg, PA 17120

From: Ross E. Schell
203 Knollwood Drive
Harrisburg, PA 17109-5515
PH# 717-651-0824
Fax# same but call First.

C-2016-2557856, C-2016-2557863 C-2016-2557856, C-2016-2558239

To Whom this may Concern

I am Filing this exception to the judge's orders dated 21 October 2016. I have no idea whether my documents are filed or rejected by the secretary. I keep getting conflicting emails from her and do not know if they are rejected or filed. I get emails both ways from her. The complaint I filed Docket Number C-2016-2557863 was rejected or filed since I got an email saying both. One shows up at my main email address rosbucs@verizon.net and my secondary email at rosbucs@gmail.com. One says rejected and one says it is filed. I assumed the docket number was not filed and I never received an email telling me differently. I did receive an email about the hearing though. However the evidence Ms. Krupka sent in did not contain the correct docket number, and since the attorney for PPL Ms. Krupka had the wrong docket

number C-2016-2557836 which I used and thought was valid it turned out to be wrong, since every time I tried to file a document using that docket number it was rejected. I think the Judge in this matter is prejudice against me since he accepted her wrong number and mine was rejected the hole hearing should be thrown out and rescheduled especially since the Judge Watson will not except my mail or a phone call from me. My number is blocked by his office because I use the same phone number for both faxing and phone calls. At least that is what ma bell (Verizon) told me is a possibility. They got the same busy signal on both lines into his office, when I had them check the number. It is blocked so how am I supposed to call about the hearing when my number is being blocked? If this is not a one side leaning judge instead of impartial then I do not know what one is.

So I am Asking that the whole hearing from 19 October 2016 is vacated and rescheduled for another date with a different judge at the Harrisburg Pa office so we can meet Face to faced. This will include the hearings set up with Suez 09 November 2016 Docket C-2016-2566322 And PPL 16 November 2016 Docket numbers C-2016-2565235, C-2016-2565236, C-2016-2565671*(which I do not have on file as e filed) all at 10:00 Am, since I have the same lopsided Judge Watson for both. I want and impartial judge that is willing to read the evidence given and summit the evidence that pertains to my complaint and not that which does not pertain to one of my complaints. Especially, since PPI has been summiting evidence, that my power is going out for whatever reason at least 110 time over the last three years. Yet the Judge ignores this evidence. And no one at PPI has said why my power is going of.

It went off on the 23rd of September 2016 Three times and for 6 minutes each. 7:30 am, 9:30 Am, and 10:30 Am, also it when off this morning at 9:03 am for about 2 minutes. It even scared my Grand Daughters who were staying at my home over night.

If I try and file any complaint about it going out the secretary rejects my complaints. So I have no other way of telling this story to the PUC who are the ones who are to take our complaints too.

Yet they seem not to want to do their jobs. I have never duplicated any complaint yet they are being rejected for this reason. So I would like to know what I am to do since they keep shutting my power off without notice or warning or reason.

Since I am legally disabled I need the new hearings at the Harrisburg office for hearings. I cannot drive to Pittsburg for a hearing and or long distances.

FYI to add to the Judges one sided leanings, Why did he not except the pictures of the dirt in my toilets yet excepted the Lies Monica told in the hearing about where her vehicle was parked during the illegal discussion we had outside my house about the complaint I filed regarding the meter reacting to cars going by. I had mailed a cd with the video on it to Prove it yet the Judge refused It at the address I have for him that is on his Documents.

Why is it when I file documents that are not rejected outright for no reason I get no answer to them. I have filed Objections, Petitions of various types yet I get no answer on them.

So I am Left with e filing and faxing the documents to those who will except it. Yet evidently they are not read for some reason. I e filed on the 13 of October a Petition asking that the hearing be cancelled which was rejected then Filed by the secretary the third time, which I proved on and earlier Filing. This was before the 5 days given they ask on the judge's paper. But I guess the Judge never got it since I e filed it. And the secretary finally filed it. Here I thought when you efiled something the Secretary was to distribute it. Yet evidently this is not the case.

Also the Judges is Lying in his orders stating I received a copy of documents in the mail I get all my document through Email not through the regular mail. I receive documents through the mail from the Attorneys but not the Judge. He state he sends it through the mail yet I have never received it.

Ross E. Schell

Certificate Of Service

I do Herby Certify That I have This Day 29 October 2016 I Have Served a true And correct copy of the petition for exception for Judge Watson's Orders 21 October 2016 upon The person's and manner Set Forth Below.

Via Fax petition for exception

Kimberly G. Krupka

33 S Seventh Street

P.O. box 4060

Allentown, PA 18105-4060

The Honorable Jeffery A. Watson

Piatt Place

Suite 200

301 5th Avenue

Pittsburg, Pa 15222 undeliverable

Ross E. Schell

Certificate Of Service

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Via Fax Petition for exception

Thomas T Niesen
Thomas, Niesen & Thomas LLC
212 Locust Street
Suite 600
Harrisburg, PA 17101
The Honorable Jeffery A. Watson
Piatt Place
Suite 200
301 5th Avenue
Pittsburg, Pa 15222 Refused by calls and faxes .

Ross E. Schell



Kimberly G. Krupka

33 S. Seventh Street, P.O. Box 4060
Allentown, PA 18105
610/820-5450 • 610/820-6006
kkrupka@grossmcginley.com

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JAMES A. RITTER
JOHN F. GROSS
ALLEN I. TULLAR
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CHARLES J. FONZONE
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GRAIG M. SCHULTZ*
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NICOLE J. O'HARA*
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SARAH M. JOLLY

Of Counsel:
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MARIANNE S. LAVELLE

*Also admitted in NY
*Also admitted in NJ
*Also admitted in DC
*Also admitted in MD
*Also admitted in MA
*Also admitted in TX
*Also admitted in NM

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Fax: 610/258-0701

Emmaus Office
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Emmaus, PA 18049
Phone: 610/967-1030
Fax: 610/967-0622

Lehighton Office
415 Mahoning Street
Lehighton, PA 18235
Phone: 610/377-0500

October 12, 2016

FEDERAL EXPRESS

The Honorable Jeffrey A. Watson
Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place
Suite 220
301 5th Avenue
Pittsburgh, PA 15222

RE: Ross E. Schell v. PPL Electric Utilities Corporation
Docket No. C-2016-2557856, C-2016-2557858, C-2016-2557836;
C-2016-2558239

Dear Judge Watson:

Enclosed please find in the above-referenced matters three (3) copies of PPL Hearing Exhibit Nos. 1, 2, 3 and 4. I propose to introduce these documents into evidence at the Telephonic Hearing scheduled for Wednesday, October 19, 2016 at 10:00 AM.

I have Federal Expressed copies of these exhibits to the Complainant.

Very truly yours,

KIMBERLY G. KRUPKA

KGK:kmc
Enclosures

cc: Ross Schell (w. enc.); via Federal Express

eFile@pa.gov Dear Ross E. Schell, Your eFiling that was filed on Wed Oct 26 08:00:00 EDT 2016 on Docket Number C-2016-2557858 has been rejected due to the following reason. Other: Exhibit & Interrogas are not filed w/ Sec, only w/ ALJ. Complainant is aware of filings regs as per Sec Ltrs dated 8/9/16, 8/15/16, 8/16/16 & 9/27/16. Following documents were rejected as a part of Filing Petition-Petition for Interlocutory Review.pdf Thank You, Public Utility Commission Commonwealth of Pennsylvania * Please do not respond to t

To

rosbucs@verizon.net

CC

rosbucs@gmail.com

Today at 2:42 PM

Dear Ross E. Schell,

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Public Utility Commission
Commonwealth of Pennsylvania

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Public Utility Commission
Commonwealth of Pennsylvania

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To

rosbucs@verizon.net

CC

rosbucs@gmail.com

Today at 12:01 PM

Dear Ross E. Schell,

Your eFiling has been successfully filed on Wed Oct 26 08:00:00 EDT 2016.
You may view this Filing at

[Petition for Reconsideration from Staff Action - R Schell](#) and the Case details are:
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Thank You,
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Commonwealth of Pennsylvania

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Thank You,
Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

October 27, 2016

C-2016-2557863

Ross E. Schell

v.

PPL Electric Utilities Corporation

TO ALL PARTIES:

Enclosed is a copy of the Initial Decision of the Office of Administrative Law Judge.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Your signed Exceptions to the decision, if any, must be: 1) **filed** with the Secretary of the Commission, and 2) mailed or hand-delivered to each party of record, **within twenty (20) days** of the date of this letter.

To file Exceptions with the Secretary of the Commission, you must mail or hand-deliver them as follows:

If using U.S. Postal Service:

Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

If using Overnight or Hand Delivery Service:

Secretary
Pa. Public Utility Commission
400 North Street
Commonwealth Keystone Building, 2nd Floor
Harrisburg, PA 17120

Or, instead of mailing or hand-delivering your Exceptions, you may electronically file them with the Secretary of the Commission. To do so, you need to establish an account on the Commission's eFiling system, which may be accessed at <http://www.puc.state.pa.us/efiling/default.aspx>. Please note that Exceptions sent to the Commission by fax or e-mail will **not** be accepted for filing.

In addition to filing your Exceptions with the Secretary of the Commission, a courtesy copy of your Exceptions should be e-mailed to the Commission's Office of Special Assistants (OSA) at ra-OSA@pa.gov. If the document is too large to e-mail, please mail or hand-deliver a copy on CD-ROM or DVD (or other data storage media), in Microsoft Word 2010 format or other compatible format to either address noted above.

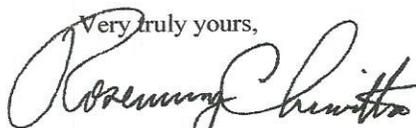
Replies to Exceptions, if any, must be **filed** with the Secretary of the Commission and **served** on each party of record and the Commission's OSA, in the manner described above. **They are due within ten (10) days of the date when Exceptions are due.**

It is your responsibility to serve all the parties with your Exceptions and Replies to Exceptions. Failure to do so may render your filing unacceptable. A certificate of service (see format in 52 Pa. Code §1.58) shall be attached to the filed Exceptions or Replies to Exceptions.

Exceptions and Replies to Exceptions shall follow 52 Pa. Code §§5.533 and 5.535 particularly the 40-page limit for Exceptions and the 25-page limit for Replies to Exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)". Any reference to specific sections of the Administrative Law Judge's Initial Decision shall include the page number(s) of the cited section of the decision.

If no Exceptions are received, the decision of the Administrative Law Judge could become final without further Commission action. You will receive written notification if this occurs. However, even if no exceptions are received, the Commission may review and change the decision pursuant to Section 332(h) of the Public Utility Code, 66 Pa. C.S. § 332(h).

NW
Enclosures
Certified Mail
Receipt Requested

Very truly yours,

Rosemary Chiavetta
Secretary

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ross E. Schell

v.

PPL Electric Utilities Corporation

:
:
:
:
:

C-2016-2558239

INITIAL DECISION

Before
Jeffrey A. Watson
Administrative Law Judge

INTRODUCTION

This decision dismisses the formal complaint (complaint) filed in this matter for failure of Complainant to appear for the hearing and prosecute the complaint.

HISTORY OF THE PROCEEDING

On July 25, 2016, Ross E. Schell (Complainant or Mr. Schell) filed a formal complaint (complaint) dated July 21, 2016, with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (Respondent or Company). The complaint alleges the existence of incorrect charges on his bill from June of 1999 through the present time. Complainant checked the box on the formal complaint designated as “other” and directed the reader to the attached page which purports to be a copy of 52 Pa. Code Section 56.12. As relief, Complainant asks the Commission to require Respondent to refund his payments to Respondent for electric service over the past five years and to provide Complainant with additional service at no charge for three additional years.

Respondent filed an answer and new matter on August 11, 2016. The answer admitted that Respondent provides electric service to Complainant and denied the material averments set forth in the complaint. In the new matter, Respondent averred the complaint is barred by the doctrines of prior pending action and *res judicata*. The answer and new matter requested that the Commission dismiss the complaint.

By notice dated September 6, 2016, the Commission scheduled this matter for a telephonic hearing on October 19, 2016 at 10:00 a.m., and assigned the case to me. I issued a prehearing order dated September 8, 2016, addressing, *inter alia*, requests for continuance, subpoena procedures, attorney representation and the Commission's policy encouraging settlements.

I conducted a telephonic hearing on October 19, 2016 at approximately 10:00 a.m. Complainant failed to appear for the hearing. Complainant did not call the conference number shown on the September 6, 2016 hearing notice at 10:00 a.m.

I then verified with the support staff for the Office of Administrative Law Judge (OALJ) in Pittsburgh, Pennsylvania that Complainant had not contacted that office to indicate he would be unable to participate in the telephonic hearing. My voice mail and email had no messages from Complainant stating that he would be unable to participate in the hearing. After verifying that Complainant had not contacted OALJ in Pittsburgh, I commenced the hearing at approximately 10:28 a.m.

Upon commencement of the hearing, Kimberly G. Krupka, Esquire, counsel for Respondent, moved to dismiss the complaint with prejudice for failure to appear and prosecute. I advised Respondent that I would take its motion under advisement.

The record closed by interim order on October 20, 2016. This decision grants Respondent's motion to dismiss the complaint with prejudice.

FINDINGS OF FACT

1. Complainant in this case is Ross E. Schell.
2. Respondent in this case is PPL Electric Utilities Corporation.
3. On July 25, 2016, Complainant filed a formal complaint with the Commission against Respondent.
4. Respondent filed an answer and new matter on August 11, 2016.
5. By notice dated September 6, 2016, the Commission scheduled this matter for an initial telephonic hearing on October 19, 2016 at 10:00 a.m.
6. A prehearing order dated September 8, 2016, was issued, addressing, *inter alia*, requests for continuance, subpoena procedures, attorney representation and the Commission's policy encouraging settlements.
7. The Commission sent notice of the telephonic hearing and the prehearing order in this case to Complainant by regular first-class mail to the address stated on the formal complaint.
8. The Commission's hearing notice and the prehearing order were never returned to the sender.
9. Complainant failed to appear at the October 19, 2016 telephonic hearing.
10. Complainant did not settle, withdraw or request a continuance of the matter prior to the commencement of the hearing.

DISCUSSION

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. Schneider v. Pa. Pub. Util. Comm'n, 479 A.2d 10 (Pa.Cmwlt. 1984). This due process requirement is satisfied, however, when the administrative agency provides the parties notice and the opportunity to be heard.

The Commission sent notice of the telephonic hearing in this case to Complainant on September 6, 2016, by regular first-class mail to the address stated on the formal complaint. This notice was not returned to the sender, the scheduling staff for OALJ.

In addition, I issued a prehearing order dated September 8, 2016, which, *inter alia*, directed the parties to call into the hearing at the date and time scheduled for the hearing. The prehearing order, which was mailed to Complainant at the address shown on the formal complaint, was never returned. Accordingly, I must presume that this mail, which was sent in the ordinary course of business, was received by Complainant. Berkowitz v. Mayflower Securities, Inc., 317 A.2d 584 (Pa. 1974); Meierdierck v. Miller, 147 A.2d 406 (Pa. 1959); Samaras v. Hartwick, 698 A.2d 71 (Pa.Super. 1997); Judge v. Celina Mutual Insurance Co., 444 A.2d 658 (Pa.Super. 1982).

Complainant did not appear for the scheduled hearing because he did not call the conference number shown on the September 6, 2016 hearing notice. Under these circumstances, it appears Complainant had ample opportunity to appear and be heard in this proceeding, but voluntarily chose not to do so. Therefore, the due process rights of Complainant have been fully protected. Sentner v. Bell Telephone Co. of Pa., Docket No. F-00161106 (Opinion and Order entered October 25, 1993); 52 Pa.Code § 5.245(a).

Finally, Section 332(a) of the Public Utility Code, 66 Pa.C.S. § 332(a), places the burden of proof upon the proponent of any request for relief. As the party bringing this complaint, Complainant bears the burden of proving by a preponderance of the evidence that he is entitled to relief. By failing to appear and proffer any evidence to support his formal

complaint, Complainant has failed to meet this burden. Under these circumstances, the complaint should be dismissed with prejudice. Jefferson v. UGI Utilities, Inc., Docket No. Z-00269892 (Opinion and Order entered December 26, 1995); El-Ayazra v. West Penn Power Company, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016); 52 Pa.Code § 5.245.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.

2. The due process rights of Complainant have been fully protected in this proceeding. Sentner v. Bell Telephone Co. of Pa., Docket No. F-00161106 (Opinion and Order entered October 25, 1993); 52 Pa.Code § 5.245(a).

3. By failing to appear for the hearing and proffer any evidence to support the complaint, Complainant has failed to meet his burden of proving that he is entitled to the relief that he seeks from the Commission. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the motion of PPL Electric Utilities Corporation to dismiss the formal complaint filed by Ross E. Schell at Docket No. C-2016-2558239, with prejudice, is granted.

